

Electoral System in Pakistan

Brief report containing recommendations by:



Electoral System Committee Head Dr. Muhammad Sadiq

President, Pakistan Visionary Forum

TECH Society Club, Canal Bank Road, New Campus, Lahore

www.pakistanvisionaryforum.com

(Cell # 0300-8470057)



Pakistan Visionary Forum

ELECTORAL SYSTEM IN PAKISTAN -

A PROPOSAL FOR REFORMS

People of Pakistan have been experiencing elections, off and on, but not after regular and consistent intervals. Many a times these elections were held under different systems based on the ideas and objectives of the then ruling group. Electoral systems tried in the past varied considerably particularly under different martial law regimes and less so under the civilian political parties. Some of the systems experimented in Pakistan were as under:

- 1) Basic Democracy
- 2) Majlas-e-shura preceded by non party elections.
- 3) Majoritarian or First Past The Post (FPTP) System with minor variations like separate or joint electorate for minorities, different numbers of special seats for women, allocation of Senate seats to different parties etc..

Although First Past the Post (FPTP) System has been tried most of the times, yet it was never allowed to continue due to intermittent interventions by the army which has been a persistent cause of concern for the students of political science and the well wishers of Pakistan.

Armed Forces, as an institution, has been the best managed institution in the Country not because it was managed by more intelligent and more honest people but because it was a matter of survival against a very cunning enemy India, who never accepted Pakistan as an independent Country and did not lose any opportunity of harming Pakistan's vital interests. The Generals at the helm of army affairs are, therefore, very well respected in the Country for fighting against a much bigger enemy and are at times given the status of saviors of Pakistan.

During the periods of civilian governments under democratic set ups, some weak politicians, finding it very difficult to change the government, have been resorting to encouraging the armed forces to intervene and remove the government by force using unconstitutional pretexts. The Generals at times have been taking over the power with good intentions and also sometimes meeting the short term objectives but these interventions have done a great harm to the long term objectives and have not allowed the electoral process to establish roots and as such lost a very important opportunity of refining and improving the electoral system in the Country.

It is now imperative for all the politicians, strong and not so strong, in the power and in the opposition, to realize that their future is totally dependent on the future of the Country. Politicians must understand that armed forces have their separate role to perform and that the solidarity and the integrity of the Country has to be protected by both the politicians and the armed forces and that one institution alone will never be able to protect the Country. The politicians must start thinking and working for the Country, its integrity and solidarity and the welfare of its people. They must be open to further refinements in the electoral system so that their energies and efforts can produce the best possible results for serving the interests of the people of Pakistan.

The electoral system currently being used in Pakistan is the oldest system from the twelfth century and is still being used in many countries. It is commonly known as the Majoritarian or **First-past-the-post (FPTP)** system. It has however, not been found completely satisfactory and as such is under consideration for reforms in some countries. Most of the newly emerged democracies have not adopted it either, and after careful deliberations they have opted for **mixed** system. Even some of the old democracies like Italy and New Zealand have decided to try the mixed system, a departure both from **Proportional Representation (PR)** and **FPTP** systems respectively. We in Pakistan Visionary Forum (PVF) have identified a number of weaknesses of the prevailing electoral FPTP system particularly with reference to the geographical and political conditions in Pakistan which are being discussed in the following paragraphs.

WEAKNESSES OF THE PREVAILING ELECTORAL SYSTEM IN PAKISTAN

1. Voter turn out is very low because of the system. It was only 44.6% in 2008 against only about 35% in 1997. The highest turn out was 58% in 1970. The basic reason of low turn out is the feeling, particularly in the educated and relatively well to do community, that "my vote will make absolutely no impact on the results". This feeling needs to be changed through change in the electoral system.
2. The winning party usually bags only about 15% to 20% votes of the total registered voters. Fifty five to sixty five percent voters do not vote at all and the balance 20% to 25% vote for other parties. This type of democracy where a party with only 15 to 20% of people's support is authorized to form the Government and rule the entire 100% of the population is highly questionable. The system needs to be changed and the party with genuine majority support should rule the country.
3. Most of the times the support of smaller and regional parties is required for assuring majority and in such cases these smaller parties dictate the policies which are biased towards regional interests and the national interests are usually compromised. Under the prevailing system smaller and regional

parties have no stake in the country and they can easily muster the local support by criticizing the rest of the country. This needs to be changed where smaller and regional parties should not be able to ignore the importance of the Country as a whole.

4. Fifty five to sixty five percent of the registered voters who do not participate in the elections are mostly well to do and educated persons and as such the opinion of the educated community does not play any role in the elections. Can we consider the remarks of our poet Allama Iqbal that “Heads are counted in democracy and not weighed – Bandon ko gina kartai hain tola nahin kartai” and allow more weight to the votes of all graduates and above against the votes of under graduates or at least ensure that all the members of the educated community participate in the voting process by making it mandatory or by providing some sort of incentive or motivating force.
5. Smaller and regional parties with regional interests and with their supporters concentrated in smaller areas end up getting some seats whereas smaller parties with national appeal and with their supporters thinly spread throughout the country end up getting no seats despite the fact that their total number of votes bagged by them may be higher than the regional parties. The system, therefore, promotes regionalism instead of nationalism. This is the main reason why a project like Kala Bagh Dam remained politically controversial despite the fact that technocrats consider it essential for national economy.
6. Whereas in any country larger population provinces should play a major role in framing the national policies, it is the other way round in Pakistan. The province of Punjab is usually on the defensive against smaller provinces. Even the province of Sindh which is second largest in terms of population is placed in a defensive situation when it comes to clash of interests with Baluchistan.
7. Under the prevailing system, regionalism dominates over nationalism and as such the system does not encourage integration of the country. The disintegration of Pakistan into two parts i.e. Bangladesh and Pakistan is partly the result of our electoral system and not the desire of our political parties or leaders. India could not have helped achieve the disintegration of Pakistan if Awami League had captured 15 to 20 % seats in West Pakistan and vice versa if PPP had captured 15 to 20 % seats of the National Assembly in East Pakistan. This could have been possible if the electoral system was properly designed.

Currently India is playing the same game in Baluchistan as it did in East Pakistan and this is why some people talk of independent Baluchistan. We

must take due cognizance of the weaknesses of our electoral system and rectify them before a further damage is done to the integrity of Pakistan.

RECOMMENDATIONS FOR IMPROVING ELECTORAL SYSTEM

In the light of the above discussions, we would like to propose some changes in our electoral system. Although there are a number of suggestions but we would like to discuss, in the following paragraphs, the two major areas where we are proposing changes in the basic structure of our electoral system:

- I. There are two major electoral systems, one being followed in Pakistan which is known as the “First Past The Post” (FPTP) system and the other one is “Proportional Representation” (PR) system which has also been followed in many countries. The FPTP system is well understood in Pakistan but the PR system needs to be understood for a meaningful comparison amongst the two systems. The principle of the PR system is that the seats in the entire constituency which in case of Pakistan, will be the entire Country or the entire province, are divided amongst various parties according to the number of votes cast for their respective party lists. Like FPTP system, there are considerable variations as to how this is implemented but the basic principle remains unchanged. Both have their own weaknesses and strengths. The weaknesses of the System being followed in Pakistan have been discussed above, and also recorded by many other organizations as well as some political parties. We would, however, like to point out that there are two types of weaknesses; one category pertains to the fair and transparent implementation of the electoral system and the other category pertains to the inherent and structural weaknesses of the system. Whereas we are cognizant of the fact that no system, no matter how good it is, will produce the desired results if it is not implemented properly, yet we are focusing here mainly on the inherent and structural weaknesses of the systems.

The PR system also has some structural weaknesses and its major weakness is that it gives an unusually high power to the leadership of political parties who determine the fate of individual candidates whether they can participate in the elections or not. The individual candidates are therefore, left totally at the mercy of the leadership of political parties and this phenomenon leads to use of financial resources resulting in large scale corruption.

We in Pakistan Visionary Forum (PVF) are convinced that a mixed electoral system, somewhat similar to the one being used in Germany can help eliminate most of the weaknesses of both the systems. In this system 50% of the national as well as provincial assembly seats are contested under FPTP system and 50% under PR system. Germany is a classic example of being the only country that has successfully merged two independent countries into one single country. We must learn from the experiences of the electoral system being practiced in Germany and modify our system to ensure the solidarity and integrity of our country.

- II. The second area of major shift from the present system being followed in Pakistan is also being adopted partly from German system. The German system does not allow any political party with less than 5% of the national votes to have any representation in the assembly. We are also proposing that a minimum threshold of 5% votes be implemented for national assembly elections. The purpose of this safety clause is to exclude splinter parties, thus ensuring that parliament can function properly providing a basis for stable government.

In addition to the above, we are also proposing that all political parties should be required to obtain a minimum of 3% of the total votes, in each province. In case any party is unable to obtain the minimum 3% threshold in any one or more provinces, that party will be penalized by reducing their PR seats to an extent of two seats, one from general seats and one from special seats for women, per province. All such seats lost by any one or more parties will be added to the pool of seats for redistribution to other political parties based on their share of votes bagged by them under PR system. This is being proposed to check the flourishing of any parties promoting provincialism at the cost of nationalism.

Although the German system does not allow participation of independent candidates in the elections because of the maturity level of their political parties, yet we are proposing that individual candidates should be allowed to contest elections for the seats under FPTP system and even the parties with less than 5% votes under PR system should be allowed to retain seats won by them under FPTP system.

The details of this mixed electoral system are being given below:

A. National Assembly Elections

1. The number of total seats in the national assembly should be divided into two equal halves. In case the total number is odd the number should be increased by one so that each half has an absolute number.
2. Fifty percent of the seats i.e. one half of the seats of National Assembly should be elected under the prevailing **First-Past-The-Post (FPTP)** system. The size of each constituency for this purpose will have, therefore, to be increased to twice the original size so that the total country is divided into half the current number of constituencies. The boundaries of all the constituencies will, therefore, have to be redefined.
3. The balance 50% seats of National Assembly should be elected under Proportional (PR) system. For this purpose all the voters will be required to exercise their second vote for the non-changeable, fixed lists of candidates submitted in advance by various political parties. The party list must include the educated men/women of integrity, who belong to different segments of lower and middle classes of the society. In other words all these persons should be able to qualify as technocrats. These lists are also required to be submitted by province based on the proportionate numbers of registered voters.
4. FATA seats should continue to be elected under the current system i.e. First-past-the-post system and should be in addition to the other National Assembly seats. However, if the political parties start their offices and activities in FATA, these seats can also be allocated on PR system.
5. Election of sixty special seats for women should only be elected and allocated through PR system.
6. Bye-elections for any vacancies, occurring after the elections and during the tenure of the elected Government, in the members elected through the First-past-the-post system should be held as per the present system i.e. thru inviting new nominations for the vacant seat and holding elections under the same First-past-the-post system.
7. Any vacancy occurring in the National Assembly seats elected under PR system should be filled through nomination by the political party which happens to lose that member.

B. Provincial Assembly Elections

1. Provincial Assembly elections should be held exactly in the same manner as the National Assembly Elections i.e. 50% seats under First-past-the-post system and the other half under the PR system, where the voters will be required to cast two votes, one for the candidate and the other for unchangeable, fixed provincial lists submitted in advance by various political parties.
2. Bye-elections, if required, after the elections will also be held exactly in the same manner as in the case of National Assembly under the two systems for the two halves.

C. Elections for Senate, President , Prime Minister and Chief Minister

No change is being proposed for the Senate, President, the Prime Minister and the Chief Minister Elections. They should continue to be held under the prevailing system.

D. Some Special Conditions

1. Each political party at national level will be required to obtain a minimum of 5% of the total votes cast at the national level for all the political parties in order to be entitled to any seats based on PR system. They will however, retain seats won by them under the First-past-the-post system.
2. Political parties at national level will be required to obtain a minimum of 3% of the total votes cast in each province. In case any party is unable to obtain the minimum 3% threshold in any one or more provinces, that party will be penalized by reducing their PR seats to an extent of two seats, one from general seats and one from special seats for women, per province. All such seats lost by any one or more political parties will be added to the pool of seats for redistribution to other political parties based on their share of votes bagged by them under PR system.
3. Only those political parties which get more than 5% votes in the National Assembly elections will be entitled to PR seats in the Provincial Assembly elections. However, parties getting less than 5% votes in the National Assembly elections, will be allowed to retain their seats won by them through FPTP system.

The above given recommendations have been framed with the sole objective of encouraging conciliation and discouraging polarization in our rather turbulent society. We are also cognizant of the fact that no matter how good the system is and how well it is performing in some other countries; it will not produce the desired results if the entire election process is not free and fair. A lot of work has been done in the past towards the holding of free, fair and credible elections in Pakistan. We in Pakistan Visionary Forum do feel that the recommendations put forward by various organizations like PILDAT and ESG are quite comprehensive and serious efforts are however, required to implement them. We would nevertheless, like to emphasize the following key areas for reforms and improvements:

E. The Election Commission of Pakistan (ECP) legally speaking has considerable autonomy but it hardly exercises it in handling various matters so essential for ensuring the transparency and fairness of the elections. We therefore, recommend the following:

1. The appointment of Chief Election Commissioner and the Members of ECP should be made purely on merit through broad consultations amongst the Prime Minister, Opposition Leader and Chief Justice of Pakistan. Chief Election Commissioner does not have to be necessarily a Judge of Supreme Court. He should however, be an experienced administrator with known expertise of managing a large organization in public or private sector. A retired Federal Secretary or a Chief Executive Officer of a private successful organization can be a good candidate for CEC position.
2. The term of appointment of the Chief Election Commissioner should be six years and only Supreme Judicial Council of Pakistan should be authorized to remove the CEC under any unusual situation.
3. The number of Members of the Election Commission should only be two and not four as at present. Only one of them should be a sitting or a retired Judge of the High Court and the other person should also be an experienced administrator to be able to help the CEC in managing of the multifarious operations of the Election Commission.
4. ECP capability should be improved through allocating higher financial and manpower resources in addition to proper and regular training.

5. ECP website should be made more user friendly providing the entire information required by voters, candidates and the political parties.
6. ECP interface with NADRA should be strengthened so that NADRA database is available to ECP for preparing and updating electoral roll.
7. A committee of experts for recommending changes in elections rules for improving the system should be formed to work on permanent basis so that deserving, competent and educated people of repute get opportunity to contest elections instead of unwanted elements and criminals. They should continuously analyze the system, especially after each election and make recommendations to improve and update the system on regular basis.
8. A Special Cell should be instituted in the Election Commission in order to verify the assets, income and income tax returns, qualification, general character and other conditions required to be qualified as a candidate for election to the national assembly, provincial assembly or senate as per the Constitution of Pakistan. Every person interested to contest any election should be required to submit his / her credentials to the above said Special Cell at least three months before the submission of nomination papers for election purpose. A letter of clearance from Special Cell must be attached with the nomination papers.

F. The conduct of political parties is extremely important in the entire Election process. We would like to place increased emphasis on the following key areas:

1. Political parties should become more democratic and hold party elections regularly at all district, provincial and national levels for various party positions under the supervision of Election Commission. Even the nominations for national and provincial level candidates should be selected through secret balloting by the primary unit workers of the parties.
2. Political parties must follow a stricter code of conduct and campaign on issues rather than personalities.

3. Political parties must stay within the limits of campaign expenses which should, however, be fixed by the ECP in consultation with various stake holders.

G. New developments in technology can help improve the efficiency, accuracy and fairness of elections. We can learn from the experiences of other countries and improve our election process by adopting the following suggestions:

1. Electoral lists should not only be computerized but all the details should be available on ECP website.
2. Database of NADRA should be used for preparing and updating electoral rolls.
3. Computerized voting should be seriously considered for implementation. To start with, it may be implemented in cities; to be followed in rural areas in future.

H. The suitability and integrity of the elected persons should be ensured through the following steps:

1. All the candidates for the National and Provincial Assembly elections must have a minimum academic qualification of a matriculate from a recognized local or international institution.
2. Only two terms, in office, should be permitted to a person, so that people with fresh ideas get chance to contribute.
3. Election commission should have the ability to expeditiously check credentials and facts stated in the applications by candidates before they are allowed to contest elections. In case any fraud or discrepancy is detected, the individual concerned should be disqualified.
4. Soon after the oath taking ceremony, all elected persons should be give briefing/ training about do's and don'ts, procedures of law making, and responsibilities and personal conduct, which is expected of them as parliamentarians. Duration of training course should be worked out according to the syllabus.
5. Police clearance to check criminal involvement of candidates should be made compulsory before anyone is allowed to contest elections.

6. Candidates with dual nationality should not be allowed to contest in elections. The candidates should also be asked to submit an affidavit stating that he/she has no other nationality except of Pakistan, and that he/she is residing in Pakistan for the last 5 years without any break.
7. The declared assets, in and outside Pakistan, should be verified immediately after elections. If information provided by the candidate is incorrect, the individual concerned should be disqualified.
8. Tax returns of candidates for the last 5 years should be obtained along with the applications.
9. Candidates should only be allowed to contest election from the constituency of their permanent address and only for one seat i.e. national or provincial assembly and not for both.

Before, concluding our recommendations, we would like to point out once again that our focus is mainly on discouraging polarization and encouraging cohesion in various political groups of the country. The system that we are proposing needs a good understanding of its working and as such we are giving below the details and a theoretical example of how will the seats be allocated to different parties.

Modus Operandi of developing candidate lists and allocation of winning candidates

In order to ensure that the candidate lists are prepared in a uniform and standard manner and the seats are properly allocated to different parties as per the principles outlined above, a theoretical example is being given below:

1. All political parties will develop their own lists prior to the elections for the following number of seats:
 - a. A total of 136 National Assembly seats, comprising 74 for Punjab, 32 for Sindh 16 for KPK, 7 for Baluchistan, 6 for FATA and 1 for Islamabad.

- b. A total of 60 special seats for women, comprising 32 for Punjab, 14 for Sindh, 7 for KPK, 3 for Baluchistan, 3 for FATA and 1 for Islamabad.
 - c. A total of 10 seats for Minorities on a National level.
2. The number of candidates winning their seats will be in proportion to the percentage of votes bagged by each party out of the total votes specifically polled for political parties in the entire Country. An example is being given below to explain this procedure:
 - a. Let's assume there are 5 parties, A, B, C, D and E contesting the elections with 40%, 35%, 15%, 7% and 3% votes respectively and party D also ends up getting less than 3% votes in one of the four provinces i.e. KPK.
 - b. Party E with 3% votes being less than a threshold of 5% will not get any seat under PR system.
 - c. Party D with less than 3% votes in KPK will lose one seat from general seats and one from special seats for women in KPK.
 - d. An example of detailed calculations for allocation of general seats for proportional representation is given below:

	<u>Party A</u>	<u>Party B</u>	<u>Party C</u>	<u>Party D</u>	<u>Party E</u>	<u>Total</u>
% Votes Bagged	40	35	15	7	3	100
<u>No. of General Seats</u>						
Punjab (Original)	29.6	25.9	11.1	5.18	2.22	74
Punjab (Revised after 0 seat for E)	30.515	26.701	11.443	5.340	0	74
Punjab (Rounded)	31	27	11	5	0	74
Sindh (Original)	12.8	11.2	4.8	2.24	0.96	32
Sindh (Revised after 0 seat for E)	13.21	11.56	4.95	2.31	0	32

Sindh (Rounded)	13	12	5	2	0	32
KPK (Original)	6.4	5.6	2.4	1.12	0.48	16
KPK (revised after 0 seat for E)	6.598	5.773	2.474	1.155	0	16
KPK (After Penalty to D)	7.038	6.158	2.639	0.165	0	16
KPK (Rounded)	7	6	3	0	0	16
Bal (Original)	2.8	2.45	1.05	0.49	0.21	7
Bal (Revised after 0 seat for E)	2.886	2.526	1.082	0.505	0	7
Bal (Rounded)	3	3	1	0	0	7
FATA (Original)	2.4	2.1	0.9	0.42	0.18	6
FATA (Revised after 0 seat for E)	2.474	2.165	0.928	0.433	0	6
FATA (Rounded)	3	2	1	0	0	6
Islamabad (Largest Party gets the only Seat)	1	0	0	0	0	1
Total General Seats For various Parties	58	50	21	7	0	136
Total Seats Without FATA	55	48	20	7	0	130
Minority Seats (Original)	4.0	3.5	1.5	0.7	0.3	10
Minority Seats (Revised)	4.124	3.608	1.546	0.722	0	10
Minority Seats (Rounded)	4	4	1	1	0	10

Notes:

1. This is only an example and all calculations are simple. However, the share of any party getting less than 5% votes, is reallocated to all the other parties.
2. Rounding off is slightly different than the normal method. After allocation of whole number seats, the decimals are placed in a descending order and full seat is allocated to the biggest decimal and then to the second biggest and then to the third biggest till such time that the total number of seats are allocated.
3. Special seats for women will also be allocated exactly in the same manner as the general seats.
4. Allocation of Minority seats will also be calculated in the same manner except that it will be done on a National level, with no seat for party bagging less than 5% votes. However, there will be no penalty for party or parties getting less than 3 % votes in any one or more provinces.